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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. MJ 11-416
10 v.)
11 BENEYAM ASRAT G-SELLASSIE,) DETENTION ORDER
12 Defendant.)
13 _____)

14 Offense charged: Possession of Counterfeit or Unauthorized Access Devices

15 Date of Detention Hearing: September 13, 2011.

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably
19 assure the appearance of defendant as required and the safety of other persons and the
20 community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant is a naturalized citizen of the United States. He does have family

ties in Ethiopia and a valid United States passport which was surrendered to the King County Superior Court Clerk of Court as a condition of release from related state charges.

2. Defendant is charged by Complaint with possessing counterfeit or unauthorized access devices in conjunction with an operation called credit/debit card “skimming” targeting ATMs. The Complaint indicates that defendant is a suspect in over 20 ATM skimming incidents in California, Washington, Oregon and Nevada, compromising over 1800 customer accounts with total known losses of almost \$400,000. The Complaint alleges that in September 2010, defendant was stopped by the Washington State Patrol for traffic violations, , following which a search of the car yielded numerous items indicative of skimming activity. The AUSA argues that most of the losses charged in this case arose subsequent to that search.

3. The AUSA proffers an incident report from the University of Washington police department involving the defendant in 2009, responding to a report of a fight. The alleged victims claimed that defendant had threatened them with a handgun. Defendant was stopped near the scene and positively identified by the alleged victims. A pistol was located the next day in the vicinity with no fingerprints. The alleged victims later refused to testify.

4. Defendant poses a risk of nonappearance due to family ties to Ethiopia, recent international travel, allegations of using the personal identification of other individuals, absence of employment or education and noncompliance with terms of supervision in another court. Defendant poses a risk of danger due to the nature of the instant charge, lack of compliance with terms of supervision, and pending felony charges in state court.

5. There does not appear to be any condition or combination of conditions that will reasonably assure the defendant’s appearance at future Court hearings while addressing the

01 danger to other persons or the community.

02 It is therefore ORDERED:

- 03 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
04 General for confinement in a correction facility separate, to the extent practicable, from
05 persons awaiting or serving sentences or being held in custody pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the
09 person in charge of the corrections facility in which defendant is confined shall deliver
10 the defendant to a United States Marshal for the purpose of an appearance in connection
11 with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
13 for the defendant, to the United States Marshal, and to the United State Pretrial Services
14 Officer.

15 DATED this 13th day of September, 2011.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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